

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

APPLERA CORPORATION, MDS INC.,  
and APPLIED BIOSYSTEMS/MDS  
SCIEX INSTRUMENTS,

Plaintiffs and  
Counter-Defendants,

v.

Civil Action No. 04-1230-GMS

THERMO ELECTRON CORPORATION,

Defendant and  
Counter-Plaintiff.

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THERMO FINNIGAN LLC,

Plaintiff and  
Counter-Defendant,

v.

Civil Action No. 05-110-GMS

APPLERA CORPORATION, MDS, INC.,  
and APPLIED BIOSYSTEMS/MDS  
SCIEX INSTRUMENTS,

Defendants and  
Counter-Plaintiffs.

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THERMO FINNIGAN LLC,

Plaintiff and  
Counterclaim Defendant,

v.

Civil Action No. 04-1505-GMS

APPLERA CORPORATION,

Defendant and  
Counterclaim Plaintiff.

**ORDER**

At Wilmington this **15<sup>th</sup>** day of **November, 2005**,

IT IS ORDERED that a teleconference has been scheduled for **Thursday, January 12, 2006 at 8:30 a.m. EST to be initiated by counsel for Appler**a to discuss the status of the cases and its effect on the mediation.

IT IS FURTHER ORDERED that the mediation conference tentatively scheduled for Tuesday, December 20, 2005 at 9:00 a.m. has been canceled and shall go forward on **Tuesday, April 25, 2006** beginning at **9:00 a.m.** Should an earlier date become available after the Markman hearing presently scheduled for January 9, 2006 (for two of the cases), and the projected time frame for the Markman opinion, the Court shall advise counsel.

Since the mediation is scheduled for April 25, 2006, the due date for the submissions is now **Friday, April 17, 2006**. All other provisions of the Court's Order of June 20, 2005 shall remain in full force and effect.

Local counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order.

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE